

REMARKS/ARGUMENTS

The Final Office Action of August 21, 2008 has been received and its contents carefully noted. By this Amendment, claims 1-8 and 10-14 have been amended and claim 9 has been cancelled without prejudice or disclaimer to the subject matter contained therein. The abstract and specification have also been amended. Accordingly, claims 1-8 and 10-14 are currently pending in the application. Support for these amendments is provided in at least Figures 1-5 and related text of the specification. No new matter has been added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Interview Summary

Applicant and Applicant's representative wish to thank the Examiner for the courtesies extended during the interview of December 17, 2008. During the interview, the drawing objections and rejection of claims 1-13 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2004/0028121 issued to Fitton ("Fitton") were discussed. In particular, it was agreed that Fitton fails to teach or suggest each of the rake fingers including an unscrambling unit and/or a subtracter unit. Also, it was agreed that Fitton fails to teach or suggest a subtracter unit placed before the unscrambling unit. Moreover, it was discussed that Applicant disagrees with Examiner's position on the drawing objections and that Applicant submits the drawings as presented are in full compliance with the code of federal regulation.

Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter, in particular, the objection to claim 14 as being dependent upon a rejected base

claim, but that it would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Drawing Objection

In the Office Action, the drawings were objected to as containing unlabeled rectangular boxes. Applicant respectfully submits the drawings are in full compliance with the code of federal regulations. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

Rejections Under 35 U.S.C. § 102

Claims 1-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2004/0028121 issued to Fitton ("Fitton"). Applicant respectfully traverses this rejection for at least the following reasons.

The Office has failed to establish a *prima facie* case of anticipation. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832; 15 U.S.P.Q.2d 1566,1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 15 U.S.P.Q.2d 619,621 (Fed. Cir. 1985). More specifically, amended independent claim 1 is allowable as it recites a combination of features, including, *inter alia*, each rake finger including a means for unscrambling data and subtracter means where the subtracter means is placed before the unscrambling means. The Office in the interview agreed Fitton failed to teach or suggest at least these features. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-3 and 8-10.

Independent claim 11 is allowable as it recites a combination of features, including, *inter alia*, each rake finger including a subtracter, adder and unscrambler as claimed. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 11-13.

Independent claim 4 is allowable as it recites a combination of features, including, *inter alia*, unscrambling the user data received via the rake finger for similar reasons as discussed above. In addition, there is no teaching or suggestion of subtracting the evaluation of interference to include subtracting the evaluation of interference from the received user data in the rake finger as recited in claim 4. The Office fails to even address this limitation.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 4-7.

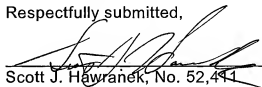
CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Should the Examiner feel that there are any issues outstanding after consideration of this Response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

A Request for Continued Examination with the \$810 fee is included with this Amendment. A Petition for 2 month Extension of Time is submitted with the \$490 fee. No additional fees are believed to be due at this time, however, if any fees are determined to be required in connection with the filing of this response, please charge the fees to Deposit Account No. 50-1123.

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Respectfully submitted,



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